

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 1501 - HB 1741**

January 27, 2014

**SUMMARY OF BILL:** Requires any law enforcement officer to seek and obtain a search warrant in order to seize or view electronic customer data held in electronic storage, including records and other information related to a wire communication or electronic communication held in electronic storage.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – Not Significant**

**Other Fiscal Impact – According to local law enforcement agencies, the bill will impact their workload. However, the extent of the impact will be based on the number of cases in which this procedure will need to be used which is unknown. According to local law enforcement agencies, the new procedure would require an average of four hours of additional work per case at an average cost of \$50 per hour for a law enforcement officer. It is reasonably estimated the increase in local expenditures will exceed \$10,000.\***

Assumptions:

- The bill requires law enforcement officers to obtain a search warrant issued by a magistrate to obtain electronic data from a service provider—e.g., Verizon, AT&T, and Sprint.
- According to the Department of Safety, the new procedure will require additional training to State Troopers, but the training can be accommodated within existing resources.
- The bill could impact the subpoena power of Tennessee Bureau of Investigation officers, but according to the TBI, any impact to the Bureau can be accommodated within existing resources.
- The bill will impact local law enforcement agencies' current procedures for obtaining electronic data. The extent of the impact, however, is dependent upon the number of cases that will require collection of electronic data.
- According to local law enforcement agencies, the new procedure will require an average of four hours of additional work per case and the average cost per hour for a law enforcement officer is \$50.
- While an exact number of cases handled by local law enforcement in a given year requiring the collection of electronic data is unknown, it is reasonably estimated that on

average there will be at least 50 cases annually resulting in an increase in local expenditures exceeding \$10,000 (50 cases x 4 hours x \$50 per hour).

- According to the Administrative Office of the Courts, any impact can be accommodated within existing resources.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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